

FINDING OF EMERGENCY

These regulations are to be implemented on an emergency basis for the immediate preservation of the public peace, health and safety or general welfare, within the meaning of Government Code section 11346.1. Further, Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. To determine the OAL five-day comment period, please refer to <http://www.oal.ca.gov/>.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. These emergency regulations are necessary because Assembly Bill (AB) 1603 (Chapter 25, Statutes of 2016), Section 36 states the following:
 - (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer Article 6 (commencing with Section 16523) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and the changes made in this act to Sections 11253.45, 11320.15, 11322.63, 11322.64, 11322.83, 11323.25, 11402 (as amended by Section 65 of Chapter 773 of the Statutes of 2015), 11402 (as amended by Section 66 of Chapter 773 of the Statutes of 2015), 11450, 11450.04, 11461.3, 11461.4, 11465, 12301.02, 16519.5, and 18910.1 of the Welfare and Institutions Code through all-county letters or similar instructions until regulations are adopted.
 - (b) The department shall adopt emergency regulations implementing the sections specified in subdivision (a) no later than January 1, 2018. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

2. To ensure the immediate protection and preservation of the health and safety of families, these emergency regulations adopt and amend guidance for county welfare departments to provide increased access to workforce services, including subsidized employment. This increased access to services will improve opportunities for California Work Opportunity and Responsibility to Kids (CalWORKs) participants and their families to achieve self-sufficiency.
3. These regulations have been implemented by All County Letters as permitted by AB 1603 (Chapter 25, Statutes of 2016), Section 36(a). If the emergency regulations are not certified on time, the guidance in the All County Letters expires and CalWORKs recipients may lose increased access to opportunities and services to achieve self-sufficiency.
4. Delay in the implementation of the requirement to adopt emergency regulations no later than January 1, 2018 would be a violation of AB 1603 (Chapter 25, Statutes of 2016) and put the California Department of Social Services (CDSS) at risk of legal action.
5. Therefore, in order to provide CalWORKs recipients with increased access to subsidized employment and workforce services which lead to increased opportunities for families to achieve self-sufficiency, these regulations are to be adopted on an emergency basis no later than January 1, 2018.

INFORMATIVE DIGEST

The Eligibility and Assistance Standards Manual includes the regulations to be followed whenever anyone applies for the different assistance programs administered by CDSS Family Engagement and Empowerment Division.

The proposed regulations provide guidance for the following:

1. Repeal of the AB 98 Subsidized Employment Program.
2. Revised eligibility for the Expanded Subsidized Employment program.
3. Implementation of deeming participation in Approved Career Pathways under the Workforce Innovation and Opportunity Act (WIOA) to meet the minimum hourly requirements for CalWORKs.
4. Revised Job Retention/Post-Aid services to include Expanded Subsidized Employment.

The benefits of these proposed regulations are as follows:

1. Clarify guidance for the Expanded Subsidized Employment Program, WIOA Approved Career Pathways, and Job Retention/Post-Aid services.
2. Revise eligibility for the Expanded Subsidized Employment program to include former recipients who reach the 48-month time limit and are receiving Safety Net benefits for their eligible children as described in Section 42-302.1.
3. Deeming participants in Approved Career Pathways to meet the hourly requirements for CalWORKs minimum standards as described in Section 42-711.4 regardless of the number of hours participated.

The objectives of the proposed regulations are as follows:

1. Remove guidance for the repealed AB 98 Subsidized Employment program (Sections 41-440.221, 42-716.7 and 44-207.111).
2. Provide guidance on eligibility for the Expanded Subsidized Employment program to former recipients who have reached the 48-month time limit and who are receiving Safety Net benefits for their eligible children as described in Section 42-302.1 (Section 42-716.8).
3. Provide guidance for deeming hours for participation in Approved Career Pathways (Section 42-711.44).
4. Amend job retention and post-aid guidance due to the repeal of AB 98 Subsidized Employment and the revision to Expanded Subsidized Employment (Sections 42-717.6 and 42-717.7).

There are no identical or comparable federal regulations or statute.

The specific benefits of the proposed regulations are the following:

1. Fulfill the legal requirement of AB 1603 Section 36(b) to write regulations.
2. Increased opportunities for participation in Expanded Subsidized Employment, which may lead to self-sufficiency for CalWORKs participants and their families.
3. Deeming participation in Approved Career Pathways to meet the hourly requirements for CalWORKs minimum standards. By removing a minimum hourly requirement for Approved Career Pathways, participants may have more opportunities to participate in activities that increase the likelihood of employability which can lead to self-sufficiency for the participants and their families.
4. Clarification of post-aid and job retention regulations.

The proposed regulations for Approved Career Pathways and Expanded Subsidized Employment (Sections 42-711.44 and 42-716.8) are consistent and compatible with current regulations. The repeal of the AB 98 Subsidized Employment program requires deletion of information about the AB 98 Subsidized Employment program in Sections 41-440.221 and 44-207.111 for CalWORKs eligibility, as well as deletion of Section 42-716.7, which is guidance for the AB 98 Subsidized Employment program itself. The deletion of Section 42-716.7 and amendments for Sections 41-440.221, 44-207.111, 42-716.6 and 42-717.7 eliminate inconsistencies and incompatible information in current regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None

3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to regulations.
4. Federal Funding to State Agencies: No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to regulations.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will result in no additional costs to local agencies.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 10604 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11320.15, 11322.63, 11322.64, 11322.83 and 11323.25, Welfare and Institutions Code.